





**ENVIRONMENTAL
IMPACT ASSESSMENT NO: P-EA2002-14**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Troy Fujimoto

January 2, 2004

date

Title: Acting Associate Planner

1. Project title: USE PERMIT: P-UP2002-42 and P-UP2002-43, "S" ZONE: P-SZ2003-12 and P-SZ2003-13
2. Lead Agency Name and Address: CITY OF MILPITAS
2. Project location: Northeast corner of Milpitas Boulevard and East Calaveras Boulevard (APN: 028-12-004, 019, and 021)
3. Project sponsor's name and address:
Shapell of Northern California, 100 N. Milpitas Blvd., Milpitas, CA 95035
4. General plan designation: Town Center
5. Zoning: TC-S
6. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Demolish approximately 76,000 square feet and add approximately 70,000 square feet of retail and add 65 townhouses. The project will also include circulation and parking modifications, new sidewalks, new monument signs and other architectural elements.
7. Surrounding land uses and setting: Briefly describe the project's surroundings:
Land uses to the north include residential uses, to the south are industrial and office uses, to the east is Milpitas Boulevard and the Milpitas Civic Center, and to the west are residential and commercial uses.
8. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |

☐ Utilities / Service Systems

☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: 1/5/04


Project Planner

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WILL THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 11
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 13

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III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 9, 26
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 9, 26
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 9, 26
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 9, 11, 26
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 9, 26
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Games or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 12
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Games or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11

WILL THE PROJECT:	IMPACT					Source
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 12
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11, 12
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	18
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,15,16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,15,16
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,15,16
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,15,16
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11

WILL THE PROJECT:	IMPACT					Source
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Prilolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 8, 11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 8, 11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 22
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2

WILL THE PROJECT:	IMPACT					Source
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d) Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 7
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 18
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 7, 18, 23
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7, 18, 23
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 7, 18, 23

WILL THE PROJECT:	IMPACT					Source
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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 7, 18, 23
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 7, 18, 23
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 7, 18, 23
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 20
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11

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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 11, 12, 13
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 7, 11, 12
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 7, 11, 12
XI. NOISE:						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 11, 12
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 7, 18
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 11, 18
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 11, 18

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 12
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 7, 19
XIV. RECREATION:						

WILL THE PROJECT:	IMPACT					Source
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a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 12
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 4, 7
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 4, 7
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 4

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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 18
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 21, 22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 21, 22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 7, 23
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 7
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 21, 22

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XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 14, 23
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 7, 14, 23

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Air Quality Impact Analysis for the Proposed Milpitas Town Center Redevelopment.
December 2003
27. Other _____



CITY OF MILPITAS

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TOWN CENTER REDEVELOPMENT ENVIRONMENTAL IMPACT ASSESSMENT (EIA NO. P-EA2002-14) INITIAL STUDY

Project Description

The proposed project is the partial demolition of an existing shopping center and the construction of 65 townhouses and replacing part of the retail area with a 54,000 square foot supermarket. The total building area for the redeveloped commercial area once completed will be approximately 246,000 square feet, with a floor area ratio (FAR) of approximately twenty percent (20%). A reduction on floor area of approximately 30,000 square feet.

The site is located on 33.57 acres at the northeast corner of Milpitas and Calaveras Boulevards. Currently the location contains various commercial uses, including a theater, retail stores, and restaurants. The project site is designated by the Milpitas General Plan as Town Center and is currently zoned TC-S (Town Center with a Site and Architectural Review Combining District). Adjacent land uses include residential uses to the north, office and commercial uses to the west and south and retail and hotel uses to the east.

Responses Needing Clarification & Responses to Less Than Significant and Mitigated Impacts

Listed below are responses to all answers which need clarification or were checked "Less Than Significant" and "Less Than Significant with Mitigation" on Part II of this Initial Study. Responses here, are presented in the same order in which they appear on the checklist:

Aesthetics

Response to Question 1d:

"Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?"

Project development will result in new signs and building facades will produce light during the nighttime. However, during the planning review process, the light/glare produced will be kept to a level that will not produce excessive glare and light. In addition, the signs will be located along major streets, that already have various other signs and street lights which will minimize the impacts of the projects signage. Thus, this can be considered a less than significant impact on daytime or nighttime views.

Air Quality

Response to Question 3b, 3c, 3d, and 3e:

(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The Bay Area Air Quality Managements District (BAAQMD) CEQA Guidelines recommends estimation of carbon monoxide concentrations for projects where project traffic would:

- ☐ Impact intersections or roadway links operating at Level of Service D, E, or F; or
- ☐ Would cause Level of Service to decline to D, E, or F; or
- ☐ Where project traffic would increase traffic volumes on nearby roadways by 10% or more.

When any of these conditions are met, additional studies are needed to determine whether there could be air quality impacts. As a result of the proposed project, the air quality analysis looked at four (4) intersections; 1) Abbott Avenue and Calaveras Boulevard, 2) Abel Street and Calaveras Boulevard, 3) Milpitas and Calaveras Boulevard, and 4) Hillview Drive and Calaveras Boulevard.

If any air quality thresholds are exceeded at these intersections as a result of the project, mitigation would be required. The thresholds of significance as defined by BAAQMD are as follows:

- ☐ A project that contributes to carbon monoxide concentrations exceeding 9 parts per million (PPM) averaged over 8 hours and 20 ppm for 1 hour.
- ☐ A project that generates air pollutant emissions in excess of the BAAQMD annual or daily thresholds. The thresholds are 15 tons/year or 80 pounds per day for reactive gases, nitrogen oxides or particulate matter.
- ☐ Any project with the potential to frequently expose members of the public to objectionable odors.
- ☐ Any project with the potential to expose sensitive receptors or the general public to substantial level of toxic air contaminants.

Looking at the four intersections, the air quality analysis for the project performed a computer simulation model (CALINE-4) affected by project traffic that met the above criterion for modeling. The results show that the intersections did not exceed the 1 and 8-hour thresholds. Traffic would increase concentrations by up to 0.2PPM, but concentrations would remain below the most stringent state or federal standards. Since project traffic would not cause any new violations of the 8-hour standards for carbon monoxide, nor contribute substantially to an existing or projected violation, project impacts on local carbon monoxide concentrations are considered to be less than significant.

(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Bay Area region has been identified to be in non-attainment for ozone and particulate matter (PM₁₀). Carbon monoxide, reactive gases, and nitrogen oxides all impact the ozone. As such, the analysis looked at these gases and particulate matter.

The incremental daily emission increase associated with the project is 25.3 pounds for reactive organic gases, 23.6 pounds for nitrogen oxides and 16.1 pounds for PM₁₀ (particulate matter). The standard as set by the BAAQMD is 80 pounds per day for all three pollutants. Since the project does not meet these thresholds, this can be considered a less than significant impact.

(d) Expose sensitive receptors to substantial pollutant concentrations?

The proposed project will require demolition of existing buildings. The physical demolition of existing structures and other infrastructure are construction activities with a high potential for creating air pollutants. In addition to the dust created during demolition, substantial dust emissions could be created as debris is loaded into trucks for disposal.

After removal of the existing structures, construction dust would continue to affect local air quality during construction of the project. Construction dust has the potential for creating a nuisance at nearby properties. The implementation of the following mitigation measures will reduce the impact to a less than significant impact.

Mitigation Measure 1

The following shall be noted on demolition and grading plans and implemented during demolition or grading activities:

- a. Watering should be used to control dust generation during demolition of structures and break-up of pavement.*
- b. Cover all trucks hauling demolition debris from the site.*
- c. Use dust-proof chutes to load debris into trucks whenever feasible.*

Mitigation Measure 2

The following shall be noted on plans and implemented during construction activities:

- a. Water all active construction areas at least twice daily.*
- b. Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.*
- c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.*
- d. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.*
- e. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.*
- f. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.*
- g. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.*
- h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).*

- i. *Limit traffic speeds on unpaved areas to 15 mph.*
- j. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*

(e) Create objectionable odors affecting a substantial number of people?

During construction the various diesel-powered vehicles and equipment in use on the site would create odors. These odors are temporary and not likely to be noticeable much beyond the project boundaries. The potential for diesel odor impacts is less than significant.

Biological Resources

Response to Question 4e:

“Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?”

As part of the project proposal the applicant is proposing to remove or relocate 382 trees, with 85 defined as “protected” trees by the City’s municipal code. While the City has made a practice to preserve trees where possible. The project proposal will replace existing landscaping and create a new landscape theme. The applicant is proposing to relocate some trees to new areas of the site and as part of the planning review will be required to adequately compensate for the loss of other protected or mature trees, thus, this can be considered a less than significant impact.

Geology and Soils

Response to Question 6ai, 6aii, 6aiii:

Would the project:

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*

The site topography is generally flat. There will be extensive grading for the project, as such, all grading activities will conform to the Milpitas City standards and specifications.

The project area is located outside the boundaries of the Alquist-Priolo Special Studies Zone for geologic hazards contained in the General Plan. All structures on the site must be designed to withstand strong ground shaking in accordance with the Uniform Building Code. Therefore, this is a less than significant impact.

The project is generally located on soils that are susceptible to liquefaction. A soils report completed by a qualified soils engineer will be required and submitted prior to issuance of any building permits. As a result of this report, the applicant will be required

to implement all recommendations in the construction of the structures. Therefore, this is less than significant.

Response to Question 6c and 6d:

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*
- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

The project area is generally located in areas that have expansive and liquefiable soils. All structures on the site must be designed to withstand subsidence, spreading and liquefaction of soil in accordance with the Uniform Building Code. In addition, as part of the building permit process, plans shall be completed in accordance with a required soils study, that will examine the impacts of the liquefaction, subsidence and et al. Lastly, all structures shall be built in accordance with Department of Mines and Geology design guidelines. Therefore, this can be considered a less than significant impact.

Hydrology and Water Quality

Response to Question 8a and 8c:

- a) *Violate any water quality standards or waste discharge requirements?*
- e) *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?*

Because the project site is currently developed (with buildings and parking lots), it is not expected that the new redevelopment will increase impervious surface areas. There will be increased opportunities to incorporate additional pervious areas. In addition, implementation of the following mitigation measures contained herein will reduce the impact to a less than significant level.

Cumulative Impacts

Cumulative impacts from the project include polluted runoff being drained directly to storm drains, where continual drainage will impact discharge areas downstream. This may impact natural riparian habitat over the course of time. The implementation of the following mitigation measures would reduce the impact to a less than significant level:

Mitigation Measure 3:

Measures shall be incorporated into project plans prior to issuance of any building permits:

- a. *To the extent feasible, minimize the amount of run-off that drains directly to the storm drain system. Possible solutions may include the following mitigation measures:*
 - 1. *Directing run-off to landscaped areas for natural infiltration.*
 - 2. *Direct run-off to catch basins or holding areas to capture runoff and allow to infiltrate into the soil.*

3. *Install fossil filters or alternative type of filter process to clean the run-off prior to discharge.*
 4. *Install retention and/or detention ponds where feasible.*
- b. *Re-grade the site so that most surface run-off will be directed to proposed landscaped areas.*

Construction grading, excavation, and temporary stockpiling of soil at the project site may result in deposition of sediment on street surfaces, which could affect water quality. Additionally, small amounts of sediment generation would occur from soils tracked in vehicle tires, spilled on roadways, or discharged with dewatering activities into gutters. The implementation of the following mitigation measures would reduce the impact to a less than significant impact:

Mitigation Measure 4:

Measures shall be implemented during final project design and construction:

- a. *To the extent feasible, design the project facilities to direct runoff into constructed shallow swales to capture runoff and allow it to infiltrate into the soil. Incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999);*
- b. *Implement best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils, including, but not limited to the use of fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system;*
- c. *Applicant shall submit plans depicting non-structural and structural post-construction BMPs for maximum feasible implementation pursuant to the City of Milpitas Urban Runoff Management Program.*

Response to Question 8c and 8d:

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?*
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The project is not proposing to alter any existing streams in the area. Because the site is currently developed, the project will minimally alter the existing drainage pattern. In addition there is no expectation of an increase in the amount of impervious surface on-site and amount of surface water runoff from current levels. In addition through best management practices in place on the redevelopment area, it is expected that there will be a net decrease in surface runoff. Best Practices will include directing runoff to landscaped areas, building water retention areas where possible to allow runoff infiltration into the soil. As a result this will be a less than significant impact.

Response to Question 8i:

“Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?”

The project is proposing new homes near Berryessa Creek and its accompanying levee. In the event that there is a significant storm and should the levee fail, then the project would be exposed to potential flooding. However, because the project is not identified (by the Federal Emergency Management Agency) to be in a flood zone area and because the local water district is in the midst of improving the existing levee, this can be considered a less than significant impact.

Noise

Response to Question 11a, 11b, and 11c:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

The proposed project includes loading areas at the rear of the commercial buildings, which will be near existing and proposed residential uses. Currently there is a sound wall that separates the existing residential uses and the Town Center, however, the new residential uses will not have a sound wall.

The project will include late night and early morning deliveries to serve the new Safeway market. An acoustical study was done by Edward Pack and Associates in regards to potential noise impacts. The results indicated that there will be occasional noise exceedances from the delivery trucks (in exceedance of 65dB DNL, Day Night Noise Level), however, it is not a significant impact because the 24-hour weighted average of the noise does not exceed the threshold as established in the General Plan (65 DNL).

As part of the project, there will also be new roof top equipment associated with the new Safeway. The exact location and type are not yet known, however, the analysis examined equipment used at other Safeway locations of a similar size.

The combination of the truck traffic and the new roof top equipment will cause the ambient noise levels to increase from 55 db (decibels) to 62 db, a greater than 3 db change from current conditions. An increase in the existing ambient noise level by 3 dB or more is considered a significant noise impact. However, when taken individually (truck traffic and roof top equipment), they do not exceed the threshold, thus, reducing the impact of one of the noise generators will reduce the impact to less than significant. The following mitigation measures are proposed.

Mitigation Measure 5:

- a. A detailed acoustical analysis of the roof-top mechanical equipment at the Safeway store, once a mechanical plan is developed. If the study results in an exceedance of 51dB DNL at the Beresford Village residences (exterior), a*

higher acoustical screen or re-location of the equipment on the roof will be required to mitigate the impact.

- b. No more than two (2) refrigerated and ~~one (1)~~ two (2) (note, this was a typographical error) non-refrigerated truck deliveries shall be allowed between the hours of 10:00PM and 7:00AM.*

In addition, the truck traffic and roof top equipment will also have an impact on the proposed residences at the rear of the commercial buildings. Any of the new residences within 130 feet of the rear façade of the Staples store will have an interior noise level in exceedance of the established threshold of 45 dB DNL. Thus, the following mitigation measure will reduce the impact to a less than significant level:

Mitigation Measure 6:

- a. Any residence within 130 feet from the rear of the Staples store shall have all windows and doors for living spaces remain closed and mechanical ventilation shall be provided. This requirement does not imply a "fixed" condition. Bathroom windows may be kept open, with the exceptions of bathrooms that are an integral part of the living space and not separated by a closeable door.*

Response to Question 11d:

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

During demolition and the construction phase of the proposed project, the groundborne noise level may increase above thresholds on an intermittent and short-term basis. The noise is temporary nature and would occur almost exclusively during daytime hours (i.e. 7:00 a.m. to 7:00 p.m.). The following mitigation measure will reduce the impact to a less than significant level.

Mitigation Measure 7:

- a. Demolition of buildings should occur in phases with the walls of the building closest to existing residences being removed last as the walls can act as noise barriers.*
- b. Schedule noisy operations for the daytime hours of 7:00AM to 5:00PM Monday through Friday.*
- c. All diesel powered equipment should be located more than 115 feet from any residence if the equipment is to operate more than several hours a day.*
- d. Dirt berming and stockpiling materials whenever possible to help reduce noise to sensitive receptor locations.*
- e. Proper construction equipment shall be used including, but not limited to, scrapers for earth removal, backhoe for backfilling, motor grader, nail guns and shielded or enclosed power saws.*

Population and Housing

Response to Question 12a:

“Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?”

The proposed project will add population to the Town Center area, however, because they are proposing 65 units, it is expected that existing facilities and utilities will be able to accommodate this new demand. In addition, increases in population and housing has been identified and planned for this area in various utility master plans and the City's Housing Element.

Public Services

Response to Question 13a:

“Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?”

As part of the proposed project, will be the addition of 65 residential town home units. It is expected that these new residents will increase the demand for fire, police, schools, parks, and other public services. As part of the construction of any residential project, is the requirement to pay school fees. These fees are used to accommodate new residents and their impact on the school system. The new residents will also contribute to the existing tax base, which will help to offset any new public service impacts.

There are already adequate resources in regards to fire and police service. Response times will not be impacted as the proposed project does not create any new service areas outside of those that currently exist.

Thus, based on the above and because the amount of new residents will be small compared to the existing population and because it is expected that there is adequate excess capacity to accommodate these new residents, this is considered to be a less than significant impact.

Recreation

Response to Question 14a:

“Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?”

As a result of the new residents, park usage in the area will increase (Gill Memorial Park). However, for any new residential project is a requirement that park dedication (new park lands), in-lieu park fees, or upgrading of trail areas, will be required. This will offset the demand generated from the new residents. Thus, this is considered to be a less than significant impact.

Transportation/Traffic

Response to Question 15a and 15b:

- a) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

As a result of the proposed project there will be a net increase of vehicular trips to the surrounding road network. However, after a detailed traffic impact analysis was completed for the project (by Hexagon Transportation Consultants), it was determined that there would be no impacts to the surrounding road network. It was determined that there was enough existing capacity to accommodate the proposed project, thus, this can be considered a less than significant impact.

Cumulative Impacts

According to a Traffic Analysis done for the proposed project, the proposed project will add traffic to the existing road network, however, it is not expected to impact or overburden the existing situation.

Response to Question 15f:

- f) *Result in inadequate parking capacity?*

The proposed project is expected to be approximately 20 parking spaces short of that required by the City. As such, this will put external demand off-site as well causing potential congestion on-site. However, as part of the Planning permit process, the applicant will be required to either provide enough spaces on-site to meet the parking demand, or procure a parking reduction with factual data to support a parking reduction. In both cases, this will reduce the impact to a less than significant level.

Utilities and Service Systems

Response to Question 16b, 16c, 16d, and 16e:

- b. *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- c. *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*
- e. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The proposed project will not impact wastewater or storm water drainage facilities as this is in a developed area. As part of the proposed project commercial space is being removed and replaced with residential units. Thus, the site is not adding a significant amount of water and wastewater demand to the site. In addition, the most recent City water and sewer master plans did take into account the possibility of high density housing at this site. Thus, this can be considered a less than significant impact.

Mandatory Findings of Significance

Response to Question 17a:

“Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?”

The projects potential for adverse effects on the natural and wildlife environment were discussed above (under “Biological”, “Hydrology” and “Water Quality”).

Response to Question 17b:

“Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?”

The cumulative impact of the subject site and other past, current and future projects are as follows:

Cumulative impacts on Biological, Hydrology and Water Quality were discussed above in response to Question 8. Cumulative impacts on Transportation and Traffic were discussed above in response to Question 15.

Response to Question 17c:

“Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?”

The project’s potential for adverse effects on humans were discussed above under “Air Quality”, “Geology and Soils”, and “Noise”.



CITY OF MILPITAS

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MITIGATED NEGATIVE DECLARATION **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. P-EA2002-14**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE TOWN CENTER REDEVELOPMENT PROJECT, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

- Project Title:** Town Center Redevelopment; S-Zone P-SZ2003-12 and P-SZ2003-13, Use Permit No. P-UP2002-42 and P-UP2002-43
- Project Location:** Northeast corner of East Calaveras and North Milpitas Boulevards, Milpitas (APN: 028-12-019 and portions of 028-12-004, 006, 013, 014, & 016).
- Project Description:** The project consists of the redevelopment of the Town Center including the demolition of approximately 70,000 square feet of commercial space, 65 residential townhome units, a 54,000 square foot supermarket, new retail space, new freestanding signs, and associated parking and landscaping.
- Project Proponent:** Shapell Industries of Northern California, 100 North Milpitas Boulevard, Milpitas, CA 95035

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and the Initial Study, the Committee finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:

Mitigation Measure 1

The following shall be noted on demolition and grading plans and implemented during demolition or grading activities:

- a. Watering should be used to control dust generation during demolition of structures and break-up of pavement.*
- b. Cover all trucks hauling demolition debris from the site.*
- c. Use dust-proof chutes to load debris into trucks whenever feasible.*

Mitigation Measure 2

The following shall be noted on plans and implemented during construction activities:

- a. Water all active construction areas at least twice daily.*
- b. Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.*
- c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.*
- d. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.*
- e. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.*
- f. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.*
- g. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.*
- h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).*
- i. Limit traffic speeds on unpaved areas to 15 mph.*
- j. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*

Mitigation Measure 3:

Measures shall be incorporated into project plans prior to issuance of any building permits:

- a. To the extent feasible, minimize the amount of run-off that drains directly to the storm drain system. Possible solutions may include the following mitigation measures:*
 - 1. Directing run-off to landscaped areas for natural infiltration.*
 - 2. Direct run-off to catch basins or holding areas to capture runoff and allow to infiltrate into the soil.*
 - 3. Install fossil filters or alternative type of filter process to clean the run-off prior to discharge.*
 - 4. Install retention and/or detention ponds where feasible.*
- b. Re-grade the site so that most surface run-off will be directed to proposed landscaped areas.*

Mitigation Measure 4:

Measures shall be implemented during final project design and construction:

- a. *To the extent feasible, design the project facilities to direct runoff into constructed shallow swales to capture runoff and allow it to infiltrate into the soil. Incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999);*
- b. *Implement best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils, including, but not limited to the use of fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system;*
- c. *Applicant shall submit plans depicting non-structural and structural post-construction BMPs for maximum feasible implementation pursuant to the City of Milpitas Urban Runoff Management Program.*

Mitigation Measure 5:

- a. *A detailed acoustical analysis of the roof-top mechanical equipment at the Safeway store, once a mechanical plan is developed. If the study results in an exceedance of 51dB DNL at the Beresford Village residences (exterior), a higher acoustical screen or re-location of the equipment on the roof will be required to mitigate the impact.*
- b. *No more than two (2) refrigerated and ~~one (1)~~ two (2) (note that the one (1) was a typographical error) non-refrigerated truck deliveries shall be allowed between the hours of 10:00PM and 7:00AM.*

Mitigation Measure 6:

- a. *Any residence within 130 feet from the rear of the Staples store shall have all windows and doors for living spaces remain closed and mechanical ventilation shall be provided. This requirement does not imply a "fixed" condition. Bathroom windows may be kept open, with the exceptions of bathrooms that are an integral part of the living space and not separated by a closeable door.*

Mitigation Measure 7:

- a. *Demolition of buildings should occur in phases with the walls of the building closest to existing residences being removed last as the walls can act as noise barriers.*
- b. *Schedule noisy operations for the daytime hours of 7:00AM to 5:00PM Monday through Friday.*
- c. *All diesel powered equipment should be located more than 115 feet from any residence if the equipment is to operate more than several hours a day.*
- d. *Dirt berming and stockpiling materials whenever possible to help reduce noise to sensitive receptor locations.*
- e. *Proper construction equipment shall be used including, but not limited to, scrapers for earth removal, backhoe for backfilling, motor grader, nail guns and shielded or enclosed power saws.*

Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By: _____
Project Planner

Approved by the Planning Commission / City Council

_____ day of _____, 2004

Forward to the County Clerk on this _____ day of _____, 2004

By _____

MITIGATION MONITORING PROGRAM

TOWN CENTER REDEVELOPMENT

“S” ZONE APPROVAL P-SZ2003-12 AND P-SZ2003-13, USE PERMIT NO. P-UP2003-42 AND 43

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
<p><u>Mitigation Measure 1</u></p> <p><i>The following shall be noted on demolition and grading plans and implemented during demolition or grading activities:</i></p> <p>a. <i>Watering should be used to control dust generation during demolition of structures and break-up of pavement.</i></p> <p>b. <i>Cover all trucks hauling demolition debris from the site.</i></p> <p>c. <i>Use dust-proof chutes to load debris into trucks whenever feasible.</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any permits</i></p>	<p><i>Responsibility: Building Division</i></p>	<p>_____ initials</p> <p>_____ date</p>	<p>_____ initials</p> <p>_____ date</p>	
<p><u>Mitigation Measure 2</u></p> <p><i>The following shall be noted on plans and implemented during construction activities:</i></p> <p>a. <i>Water all active construction areas at least twice daily.</i></p> <p>b. <i>Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.</i></p> <p>c. <i>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</i></p> <p>d. <i>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Building Division and Planning Division</i></p>	<p>_____ initials</p> <p>_____ date</p>	<p>_____ initials</p> <p>_____ date</p>	

<p><i>sites.</i></p> <p>e. Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.</p> <p>f. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.</p> <p>g. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.</p> <p>h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).</p> <p>i. Limit traffic speeds on unpaved areas to 15 mph.</p> <p>j. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p>					
<p><u>Mitigation Measure 3:</u></p> <p>Measures shall be incorporated into project plans prior to issuance of any building permits:</p> <p>a. To the extent feasible, minimize the amount of run-off that drains directly to the storm drain system. Possible solutions may include the following mitigation measures:</p> <ol style="list-style-type: none"> 1. Directing run-off to landscaped areas for natural infiltration. 2. Direct run-off to catch basins or holding areas to capture runoff and allow to infiltrate into the soil. 3. Install fossil filters or alternative type of filter process to clean the run-off prior to discharge. 4. Install retention and/or detention ponds where feasible. <p>b. Re-grade the site so that most surface run-off will</p>	<p>Responsibility: Applicant</p> <p>Timing: Prior to issuance of any building permits</p>	<p>Responsibility: Building Division and Planning Division</p>	<p>initials</p> <p>date</p>	<p>initials</p> <p>date</p>	

be directed to proposed landscaped areas.					
<p><u>Mitigation Measure 4:</u></p> <p>Measures shall be implemented during final project design and construction:</p> <p>a. To the extent feasible, design the project facilities to direct runoff into constructed shallow swales to capture runoff and allow it to infiltrate into the soil. Incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999):</p> <p>b. Implement best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils, including, but not limited to the use of fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system;</p> <p>c. Applicant shall submit plans depicting non-structural and structural post-construction BMPs for maximum feasible implementation pursuant to the City of Milpitas Urban Runoff Management Program</p>	<p>Responsibility: Applicant</p> <p>Timing: Prior to building permit issuance</p>	<p>Responsibility: Planning Division</p>	<p>initials</p> <p>date</p>	<p>initials</p> <p>date</p>	
<p><u>Mitigation Measure 5:</u></p> <p>a. A detailed acoustical analysis of the roof-top mechanical equipment at the Safeway store, once a mechanical plan is developed. If the study results in an exceedance of 51dB DNL at the Beresford Village residences (exterior), a higher acoustical screen or re-location of the equipment on the roof will be required to mitigate the impact</p> <p>b. No more than two (2) refrigerated and two (2) (note that the one (1) was a typographical error) non-refrigerated truck deliveries shall be allowed</p>	<p>Responsibility: Applicant</p> <p>Timing: Prior to building permit issuance</p>	<p>Responsibility: Planning</p>	<p>initials</p> <p>date</p>	<p>initials</p> <p>date</p>	

between the hours of 10:00PM and 7:00AM.					
<p><u>Mitigation Measure 6:</u></p> <p>a. Any residence within 130 feet from the rear of the Staples store shall have all windows and doors for living spaces remain closed and mechanical ventilation shall be provided. This requirement does not imply a "fixed" condition. Bathroom windows may be kept open, with the exceptions of bathrooms that are an integral part of the living space and not separated by a closeable door.</p>	<p><i>Responsibility:</i> Applicant <i>Timing:</i> Prior to building permit</p>	<p><i>Responsibility:</i> Planning and Building Division</p>	<p>_____ initials _____ date</p>	<p>_____ initials _____ date</p>	
<p><u>Mitigation Measure 7:</u></p> <p>a. Demolition of buildings should occur in phases with the walls of the building closest to existing residences being removed last as the walls can act as noise barriers.</p> <p>b. Schedule noisy operations for the daytime hours of 7:00AM to 5:00PM Monday through Friday.</p> <p>c. All diesel powered equipment should be located more than 115 feet from any residence if the equipment is to operate more than several hours a day.</p> <p>d. Dirt berming and stockpiling materials whenever possible to help reduce noise to sensitive receptor locations.</p> <p>e. Proper construction equipment shall be used including, but not limited to, scrapers for earth removal, backhoe for backfilling, motor grader, nail guns and shielded or enclosed power saws.</p>	<p><i>Responsibility:</i> Applicant <i>Timing:</i> Prior to start of any work</p>	<p><i>Responsibility:</i> Building and Planning Division</p>	<p>_____ initials _____ date</p>	<p>_____ initials _____ date</p>	

Letters and Email from the Public

Please accept this email as comments to be included on the Shappell Project planned at the Mervyns shopping center.

I am a resident of Milpitas for 10 years. I reside at 2084 Shiloh Avenue. My phone number is 408-262-6136. I enjoy living in Milpitas and am a movie enthusiast. I attend the Cineplex Theaters several times a month.

I have a family of four and we go to the movies as a family event. We can not afford to go the Century 20 Theaters due to the expense.

I believe the City of Milpitas should reconsider this plan or revise the plan to maintain the movie theaters. I know people from all over the Bay Area who travel to Milpitas to go to this cheap movie theaters. Friends of mine come all the way from Pleasanton. While movie attendees are in Milpitas to attend the cheap theater they spend money in Milpitas. The taxes earned by Milpitas help to run the city.

I also believe that the City of Milpitas owes it to Milpitaans to have a variety of entertainment opportunities to fit everyones pocketbook. We make over \$100K a year and can not afford to go to Century 20 Theaters. I believe that the majority of Milpitaans are not rich and feel that the cheap theaters overs everyone an evening out. Think about what Terrific Tuesdays mean to milpitaans. There are huge lines at the box office.

We can not even afford to go to a Matinae if these still exist.

Please keep the Theaters. I think we have enough grocery stores with Albertsons across the street and Savemart and Nob Hill within .5 miles of the theaters.
Thanks for allowing me this opportunity to comment.

Linda Vrabel

To The Members of Milpitas Planning Commission and Staff:

I want to take this opportunity to express my opposition to the planned changes to the Milpitas Town Center where a Safeway grocery store is going to be built. I am objecting to this development not just as a 32 year resident of the City of Milpitas but also as a businessman and an 18 year member of the Milpitas Chamber of Commerce.

My reasons for objecting to this development can be listed below:

- The Town Center's original plan did not call for nor did its original design accommodate a grocery store
- The Town Center consisted of restaurants and retail outlets ranging from clothing stores to beauty shops, theaters, and other services; for want of better words, a fashion center
- Contrasted to McCarthy Ranch, there is no grocery store there nor have I heard of a major outlet planning to build one there.
- There is already a grocery store/drug store development in the nearby Beresford Shopping Center
- There is also another grocery store, Ocean Market, less than a mile away
- The managers of the Town Center, Shapell Industries, have allowed the Town Center to degrade to the point where it is now in competition with the Serra Center for most worst managed commercial development in Milpitas
- Shapell Industries has failed in its fiduciary duties to its tenants and to the citizens of Milpitas, those tenants' customers to provide a shopping center that is both attractive to the eye and viable for the businesses it contains.
- This is evidenced by the closing down and vacating of the storefronts with no apparent effort on the part of Shapell Industries to fill those vacancies.
- Further evidence to the degradation of the Town Center can be seen in the condition of the parking lot. Does this city have building codes or not? Are they enforced or not?
- The impact on those businesses who would have to undergo the construction traffic and disruption to their day to day business activities can only be imagined.
- Bottom lines in these hard economic times will only be further damaged.
- Safeway was once a retail store located in Milpitas. The store was located at the current location of Ocean Market. Why did they leave Milpitas? Why do they want to return now?
- More importantly, why the Town Center?

The Milpitas Town Center is not like Rivermark in Santa Clara. The area surrounding the Milpitas Town Center does not have extensive land on which to design and build a development that would justify a Safeway and stores that a major grocery store would need to make it commercially compatible. Furthermore, the adding of a residential development would further serve to produce a cacophonous site.

I urge the City's Planning Commission to disapprove this development and get the word to Shapell to either bring the Town Center back to its original prominence or put the whole site up on the block and let someone else take over.

Very truly yours,

Ed Blake
Edward Blake Associates, Inc.
142 N. Milpitas Blvd.; #282
Milpitas CA 95035-3301
Ph: (408) 934-3955 ~ Fax: (408) 956-9732
E-Mail: info@ebacal.com ~ Website: www.ebacal.com

I stopped by to review the drawings for the Town Center and I have a few concerns (or opinions) on the proposed changes.

- ❑ A Safeway does not seem like the appropriate mix for this shopping center. While some people have said that we need a grocery store that gives us better choices, I don't see Safeway as providing that. I've toured the new Safeway store on Mission in Fremont. While it is huge and provides a deli and Starbucks, a lot of the size is just open space. In terms of actual groceries, it doesn't seem to provide a lot more choice than any of our existing stores. Most branding is Safeway's own Select brand ... not something I care for. I would much rather have a Trader Joe's ... they provide more of a selection of organic foods at a great price. What few organic foods Safeway carries are overpriced. We really don't need another Starbucks and we already have a wonderful deli choice with Erik's Deli (unless the restructure runs them out).
- ❑ The change to the traffic pattern is not good. I don't agree with putting a throughway in front of where the theatre presently stands. They are supposed to be putting a walkway across the waterway between the two housing complexes to encourage walking and then running traffic thru in the same area. My suggestion would be to remove the back wing of the complex where the Aloha restaurant and other stores stand. Make that into parking, bring those stores into the other complex and keep the theatre.
- ❑ I've heard that the owner is working to find a new home for the theatre. One of the proposed places is over by Nob Hill. I don't think this is a very good location. Keeping the theatre where it is gives us a better selection for eating (and some shopping if we're early for a show). There is one restaurant and a burrito place plus Starbucks over by Nob Hill (plus Nob Hill's deli). Not much of a draw. The parking doesn't look as large ... although I haven't heard how many screens they would put in ... if it's less, then maybe that's not a problem.
- ❑ They are proposing to replace some very well established shade trees with palms at the Calaveras entrance to the shopping center. They are also proposing to put in a row of palms around the parking areas. I find palms trees messy and they don't provide shade. I was told that they thought this added to the appearance of the new center. Not in my opinion. I think shade trees add a softer more welcoming appearance. Why copy the Great Mall?
- ❑ Will there still be a provision for the Farmer's market? With the change in the traffic pattern, the roadway that is presently blocked for the Farmer's market probably wouldn't be an option any longer. It should certainly be a draw for the new housing and they could easily walk to it as could the housing complex that will be connected by the walkover.

I am sure that the owner's main concern is to make the Town Center pay a better return. But I would hope the Planning Commission looks at the balance in terms of businesses in town. If we put in a Safeway, what will be the affect on the other grocery stores in town? Particularly, the Albertson's across Milpitas Blvd. If one puts the other out of business, then we'll continue to play a game of one upmanship. The other center will either die or want to put in some monster store to put the other out of business. (Ex: Was the AMC theatre having problems or did the 20 screen theatre at the Great Mall put them out of business? Wouldn't it have been better to put in a smaller theatre and split the attendance between different parts of town rather than running all the traffic in town into an area that already had traffic problems?)

Janet Peter
2155 Seaciff Dr

March 12, 2004

To the attention of the Milpitas Planning Commission:

Reagrding last night's meeting about the fate of the Cinema Savers discount theater (which I was unable to attend): As a seven-year Milpitas resident I oppose the construction of a Safeway store that will displace the Cinema Saver discount theater. Construction would also disrupt the weekly farmers' markets. I believe that the theater and the farmers' markets draw people into the city of Milpitas. Having "just another Safeway" in town, I believe, would not be an attraction for people from surrounding communities.

I work with two people who regularly attend the Cinema Savers theater (they do not attend the regular priced theaters in Milpitas). I have a friend from Morgan Hill who drives all the way to Milpitas to watch movies and dine in local restaurants. He has his own Safeway in Morgan Hill and therefore wouldn't bother coming to Milpitas if that theater was removed.

Restating: I oppose the construction of the Safeway at the Milpitas Town Center mall.

Best regards,
Scott Hinrichs

Arts Comm. member
(call her)

* MARIE-ANNE OGLE * 1472 FASHOTE COURT * MILPITAS * CALIFORNIA 95038 *

The Honorable Paul Hay,
chair, Planning Commission
M I L P I T A S

April 9, 2003

Good Morning!

May I respectfully request that your dynamic group -at
earliest convenience - places on your discussion agenda the following:

HOW CAN THE PRESENT CIVIC CENTER...INCLUDING THE MOVIE THEATRE, VARIOUS
STORES AND OUR CITY'S ONE-AND-ONLY MUSEUM...ALL RUMORED TO BE RAZED DUE
TO SEVERAL COSTLY-TO-CHAPPELL, VACANCIES...BEST BE RENOVATED?

There exists among large segments of the population a real
sense of DREAD envisioning EITHER of the two currently debated propos=
als, erecting a giant SAFEWAY super-store or still more apartments!

Whereas we have already quite a number of super markets
and still empty land available for housing (think opposite of our P.O.
to name just one) we have only ONE magnificent new landmark, finally
providing our formerly-much-joked-about, maligned, spunky community with
respect, even: admiration of other communities. I am referring, of course,
to our 39 million show place CITY HALL. Stop to contemplate just how
jarring a dichotomy/aesthetic SHOCK it will be to have...adjacent to all
this charmingly landscaped BEAUTY...an ocean of shopping carts; daily
traffic jams, cars jockeying for parking spaces if SAFWAY gets the o.k.

Once again, our city's many distractors in adjacent towns
or even among us, some diehards still angry at the city hall's COSTS...
will erupt in a cacophony of strident criticism, even: ridicule.
Surely, NO-ONE would want this?

With just a wee bit of careful THOUGHT, far more pleasant
alternatives can be found...especially by a creative commission such
as yours? Several meetings/brain-storming sessions of concerned and
solution-oriented citizens have met in recent weeks at the - possibly
doomed - 'Com 2' museum...yet there must be a groundswell & concrete
suggestions, attractive and acceptable also to Chapell's head honchos.

I piped up with a plea to consider offering established -
(as opposed to unrealistic amateurs or flight-by-night experimentors) -
ARTISANS: leases for open-to-the-public workshops & galleries.
Not an 'original' idea at all, but already done in swank Carmel, Santa
Cruz and in our area, years ago in downtown CAMPBELL, where at least 3
DOZEN artists had cubicles, displaying their crafts, often WHILE actually
producing same; amicably chatting with prospective buyers, explaining
their particular procedures. There were glass blowers, weavers, callig=
raphers; painters, of course; batik experts and several superb potters,
us Ogles purchasing all our gift items at this fascinating place.
Ditto, Los Gatos' Old Town/converted into 'ateliers' high school. BOTH
are gone, victims of 'back East' investors...now ugly commonplace housing.
Should not MILPITAS have something BEAUTIFUL to be proud of...to take
visitors to? Strolling from one interesting workshop to the next...lok
at SANTANA ROW'S success and they have mainly expensive boutiques!

Thanks for your attention,

NOV. 2, 2002

CITY OF MILPITAS
CALAVERAS BLVD.
MILPITAS, CA. 95035

ATT: MILPITAS PLANNING COMMISSION
TROY FUSIMOTO

DEAR PLANNING COMMISSION,

I HAVE LIVED IN MILPITAS SINCE 1979. THE MILPITAS TOWN CENTER WAS THE ONLY SHOPPING CENTER IN THOSE DAYS. THROUGH MANY EVENTS OVER THE YEARS AND A POOR ECONOMY, THE TOWN CENTER HAS TAKEN ITS TOLL. "HOWEVER," THE CINEMA SAVER 10 MOVIE THEATRE WITH ITS \$3.00 TICKET PRICES, AND ITS \$1.00 TUESDAY PROGRAM, HAS BROUGHT THE SHOPPING CENTER BACK TO LIFE! THE OWNER OF THIS THEATRE HAS DONE A GREAT JUSTICE TO THE COMMUNITY, WHEN SO MANY PEOPLE ARE OUT OF WORK IN A SLUGGISH ECONOMY. THIS OWNER DESERVES A TROPHY! THE TOWN CENTER PARKING LOT IS PACKED ON THE TIMES (BOTH DAY AND NIGHT) THAT I HAVE VISITED. IF SHAPPELL WOULD RENT THEIR VACANT STORES, THIS SHOPPING CENTER WOULD BE GREATLY IMPROVED.

IF THE SAFEWAY HOMES PLAN IS DEVELOPED, MANY OF THE SMALLER STORES SUCH AS BEAUTY OUTLET, SUSHI LOVERS, CHOCOLATE AFFAIRE, (MY FAVORITE STORE) AND OTHERS, MOST LIKELY WILL BE ASKED TO VACATE. SOME OF THESE STORES HAVE BEEN IN THE TOWN CENTER SINCE THE SHOPPING CENTER OPENED.

IF THE SAFEWAY HOMES PLAN IS DEVELOPED, A REMENDOUS AMOUNT OF TRAFFIC WILL BE ADDED TO THE ALREADY OVERLOADED STREETS OF CALAVERAS BLVD. AND MILPITAS BLVD. ALSO, THESE HOMES WILL NOT BE AFFORDABLE HOUSING. "IT IS A SHAME WHEN CORPORATE GREED OVERRIDES THE GOOD OF THE COMMUNITY."

A CONCERNED MILPITAS RESIDENT (LOW COS)
S. IT WOULD BE NICE TO HAVE SAFEWAY AND NEW HOMES IN MILPITAS, BUT NOT IN THE TOWN CENTER!

NOVEMBER 10, 200.

Dear Mr. Fujimoto:

I'm very disheartened to hear that the Chocolate Affair may be closing due to the arrival of Safeway.

I'm glad to hear that the aforementioned Chocolate Affair is a store of the past. The owner is very personable and make every effort to please the customer.

The Chocolate Affair is one of those businesses that you go out of your way to go to.

Thank for listening to me

Ernest Thym

P.S. Mr. Fujimoto take time out and visit this nice retail outlet. You won't regret it.

RECEIVED

FEB 10 2004

BERESFORD VILLAGE OWNERS' ASSOCIATION

CITY OF MILPITAS
PLANNING DIVISION

To: Milpitas City Planning Dept.

January 20, 2004

From: Home Owners Association
Beresford Village
Milpitas, CA 95025

Re: Safeway store to be opened in Town Center Shopping Center

To Whom It May Concern:

The Board of the Homeowner Association of Beresford Village has learned of the plans to open a Safeway supermarket in the Milpitas Town Center. We understand that Safeway has submitted an application to the Milpitas city planning department for approval. Our community is seriously concerned about this development and we strongly oppose any plans to open a Safeway across from our village. The opening of a Safeway will make some current bad conditions worse and would create hazardous living conditions for our community and many other local residents. We would like to work with you to ensure that all parties' concerns are considered and that all legal avenues are kept available. We are working to assess additional concerns and objections from other area residents and HOA's. In the meantime, we would like the City's planning department to consider following negative impacts:

Noise - Currently, there is already a large amount of noise generated by the businesses in Milpitas Town Center (street cleaning at 5am, BFI trucks for commercial garbage even earlier, high-pressure water pump cleaning from Aloha Restaurant and Starbucks past midnight, etc). If a Safeway store moved in, the current noise situation will get unbearable for our residents. The noise pollution created from big trucks loading and unloading throughout the day would be overwhelming. The additional cleaning work required for Safeway will only add to that noise level.

Traffic - The traffic flow in the surrounding area will dramatically increase. This is not only a inconvenience, but creates a dangerous situation for our residents as described below. As residents of Milpitas, we already deal with a large amount of commuter traffic passing through our city daily. The situation is actually worse in our development, where many non-residents use our private streets to cut through the traffic and lights. This already endangers our residents and children (we have had to install speed bumps recently). The intersection of Town Center Drive and Oakhurst Drive is already a busy traffic center and this will only get worse if Safeway moves in. The increased traffic flow from Safeway will negatively impact all residents of Milpitas.

Safety - Many senior residents walk across the Town Center every day. The increased traffic will create a dangerous condition for them. We have already experienced situations where non-local residents disregard our City's regulations and lack consideration for our local community. Also, there are many young families and children that live in our development and the nearby community that walk and play in this immediate area. The dramatic increase in traffic will create a very dangerous situation for them.

Planning - We are afraid that the City planning department has not considered the long-term impact of opening a Safeway. We feel that the city is moving away from being a friendly and livable place for residents and moving more towards being a congested, concrete intersection, much like many "unlivable" cities near metro LA. This would really create an undesirable atmosphere for the city of Milpitas. Our development has tried to make Milpitas as beautiful and livable as possible and we are proud to have a "Milpitas Most Beautiful House" winner in our development. Also, the proposed Safeway would be in the same location as the current Farmers Market, which is a local treasure and enjoyed by our community and many local residents.

Property Values – The proposed Safeway development will have a negative impact on our property values. As with most residents of Milpitas, we are very concerned about this and intend to protect our investment.

Vandalism – Our management company has informed us of their direct experience with increased vandalism as a result of similar developments. Not only will this have a negative effect on our community, but it will have a negative impact on Milpitas overall.

Is there really a need? - There are already many grocery stores nearby. Albertson's Supermarket is only a few hundred feet across the street. Within one mile, there are Raleys/Nob Hill, SaveMart and also Ocean Supermarkets. Within 1.5 miles, there are more large supermarkets such as Lion Market, Ranch 99, Lucky 7 etc... Milpitas already has more than enough supermarkets to serve the community and surrounding areas and accommodate future city growth.

We understand that the City planning dept. carefully considered environmental impacts before approving Beresford Village to be built by Shapell. We hope that the Milpitas city planning department will understand the negative impact that a Safeway would have on our community and local residents. *We urge the Milpitas planning department to not allow plans that would create such adverse conditions in our community by not allowing the Safeway development to occur and disallowing any applications that would allow Safeway to conduct business in this location.*

We thank you in advance for your consideration. Should you have any questions, please contact Mike Santoro, HOA president, at (408) 221-7353 or Micphilly@aol.com. If you would like to respond in writing, please write to our management company, Management Financial Consultants, at P.O. Box 593, Redwood Estates, CA 95044, Attn: Michelle Joaquim.

Best regards,



The Board of Directors - *President*
Beresford Village Home Owner's Association

FAX MESSAGE

ATTENTION: James Lindsay	FROM: Gurmail Kandola
Planning, City of Milpitas	Tel: 1-408-263-4549 (home)
Fax: 1-408-586-3293	Tel: 1-408-750-6892 (work, day time)
Tel: 1-408-586-3274	Fax: 1-408-750-3005
	E-mail: Kandola@yahoo.com
Date: February 10, 2004	
Subject: The proposed Safeway site in Town Center	
Number of pages including cover page: 1	

Dear Mr. James Lindsay,

In this letter, I submit a few comments regarding the proposed Safeway site in the Town Center complex.

(1) Day time noise created by Safeway delivery trucks on Town Center drive

Generally accepted outdoor noise limits in urban residential areas are 60dBA during day time and 45dBA at night. According to the U.S. Environmental Protection Agency (EPA), a heavy truck creates about 90dBA of noise at 50 feet. Considering the truck spends about 2 minutes on Town Center drive and it comes around every hour and half, one may reduce its equivalent noise by 16.5dB. That is still 73.5 dBA of noise, which is 13.5dB above the limit. As a reference, human ear perceives 10dB higher noise to be about twice as loud. Besides, Town Center Drive, in my opinion, was not meant for eighteen-wheelers.

(2) Night time noise created by the delivery truck as it just begins to back up into the loading dock

When the truck just begins to back up, not when it is in the loading dock, there is a clear and direct noise path between the truck and some residents on Sandhurst Drive. This path is estimated to be about 300 feet. The truck creating 90dBA at 50 feet, will generate about 68.5dBA by the homes. This is 23.5dB above the limit at night time. That is, very loud.

To make things worse, the truck will probably have its backup alarm generating about 100dBA at 50 feet. Note that the alarm needs to be about 10dB above truck's own noise or else it defeats its purpose. Allowing same path-loss to the alarm, it would be heard at 78.5dBA in the residential area. This is 33.5 dB above the limit. That is, a lot of noise! Once you hear this kind of noise at night time, it will awake you up and, likely, keep you up, and doesn't matter when the next truck comes around. Even if you did take the timing and frequency of trucks into account, it would still be about 13dB above the limit. In fact, we hear alarms from Albertson's trucks all the way on the other side of Milpitas Boulevard.

(3) The site location

There is a cluster of shops in Town Center in front of the Community center by Calaveras Boulevard. These shops could be partially swapped by the proposed Safeway site. That way, Safeway's loading dock can be build by Calaveras Boulevard and all deliveries can be made from that side. Thus, smaller shops can be moved closer to the residential area to still allow efficient use of land.

Thank you in very much for your help in this matter.

Sincerely,

Gurmail Kandola

349 Sandhurst Drive, Milpitas, CA, USA 95035

City of Milpitas

MAR 12 2004

MILPITAS, CA

3182 Isadora Drive
San Jose, CA 95132
January 21, 2004

City of Milpitas
455 East Calaveras Blvd.
Milpitas, CA 95035

Re: Closing of Milpitas Cinema Saver 10

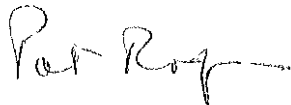
Dear People,

I understand that you are in favor of closing the Milpitas Cinema Saver 10 theaters.

I encourage you to keep this low-cost entertainment venue open. It's our major alternative to the big-buck theater chains. We don't have to see first-run movies.

Even though we live in the Berryessa area of San Jose, we definitely appreciate the opportunity to shop and dine in Milpitas near the Cinema Saver 10 theaters before taking in a movie.

Yours truly,



Pat Rodgers